

From: Christopher_McCall@ao.uscourts.gov
To: [McIlmail, Timothy \(CIV\)](#)
Cc: ["jcarey@mckennalong.com"](mailto:jcarey@mckennalong.com); [Warnock, John B. \(CIV\)](#); ["RVacura@mofo.com"](mailto:RVacura@mofo.com)
Subject: Re: Space Exploration Technologies v. United States
Date: Friday, May 02, 2014 12:05:52 PM

Counsel,

The Court received the Government's Motion for Clarification of the Preliminary Injunction Order. Judge Braden is out of Chambers today and will deal with the Government's Motion in a timely manner on Monday, May 5, 2014.

She also has authorized me to provide you with the following information, however: Judge Braden's primary concern regarding the Preliminary Injunction is with the RD-180 rockets manufactured by NPO Energomash. The Preliminary Injunction is designed to ensure that, after April 30, 2014 (the day the injunction was issued), the United States Air Force, United Launch Services, LLC and United Launch Alliance, LLC, *place no orders and send no money to NPO Energomash or to any other entity* (as defined in the Preliminary Injunction) subject to the control of Deputy Prime Minister Rogozin. The Preliminary Injunction makes clear that it does not impact purchases that have been made prior to April 30, 2014.

If the Government finds the language of the Preliminary Injunction to be ambiguous and is not satisfied with my email, the Government should submit a Proposed Order outlining the clarification that is requested. The Court will promptly review any Proposed Order on Monday, May 5, 2014.

I hope you find this email helpful.

Chris McCall
Law Clerk to the Honorable Susan G. Braden
U.S. Court of Federal Claims
717 Madison Place, N.W.
Washington, D.C. 20439
Phone: 202-357-6518; Fax: 202-357-6522
christopher_mccall@ao.uscourts.gov

From: "McIlmail, Timothy (CIV)" <Timothy.McIlmail@usdoj.gov>
To: "Christopher_McCall@ao.uscourts.gov" <Christopher_McCall@ao.uscourts.gov>, ["jcarey@mckennalong.com"](mailto:jcarey@mckennalong.com) <jcarey@mckennalong.com>,
Cc: "Warnock, John B. (CIV)" <John.B.Warnock@usdoj.gov>, ["RVacura@mofo.com"](mailto:RVacura@mofo.com) <RVacura@mofo.com>
Date: 04/29/2014 10:10 PM
Subject: Re: Space Exploration Technologies v. United States

[Understood.](#)

From: Christopher_McCall@ao.uscourts.gov [mailto:Christopher_McCall@ao.uscourts.gov]
Sent: Tuesday, April 29, 2014 08:47 PM Eastern Standard Time
To: Carey, Jason <jcarey@mckennalong.com>
Cc: Warnock, John B. (CIV); Vacura, Richard J. <RVacura@mofo.com>; McIlmail, Timothy (CIV)
Subject: RE: Space Exploration Technologies v. United States

Counsel,

I apologize for the late notice, but unfortunately Judge Braden has a last-minute scheduling conflict and we will need to begin our in-court status conference at 3:30 p.m. tomorrow, instead of 2:00 p.m. as originally intended. Everything else about the hearing will remain the same.

Mr. Vacura: if Mr. Nichols still wishes to participate via telephone, please make sure he is available on the number you previously provided me around 3:25 p.m. Eastern Standard Time.

Thank you.

Chris

-----"Carey, Jason" <jcarey@mckennalong.com> wrote: -----

To: "Vacura, Richard J." <RVacura@mofo.com>, "McIlmail, Timothy (CIV)" <Timothy.McIlmail@usdoj.gov>, "Christopher_McCall@ao.uscourts.gov" <Christopher_McCall@ao.uscourts.gov>
From: "Carey, Jason" <jcarey@mckennalong.com>
Date: 04/29/2014 11:30AM
Cc: "Warnock, John B. (CIV)" <John.B.Warnock@usdoj.gov>
Subject: RE: Space Exploration Technologies v. United States

And it works for us too.

Jason A. Carey

McKenna Long & Aldridge LLP

1900 K Street, N.W. Washington, D.C. 20006

direct: 202-496-7711 fax: 202-496-7756 mobile: 571-221-2665

jcarey@mckennalong.com www.mckennalong.com

From: Vacura, Richard J. [<mailto:RVacura@mofo.com>]
Sent: Tuesday, April 29, 2014 11:25 AM
To: McIlmail, Timothy (CIV); Christopher_McCall@ao.uscourts.gov
Cc: Carey, Jason; Warnock, John B. (CIV)
Subject: RE: Space Exploration Technologies v. United States

That works for us as well.

Rick Vacura | MORRISON & FOERSTER LLP

1650 Tysons Boulevard | Suite 400 | McLean, Virginia 22102

Telephone: 703.760.7764 | Direct Fax: 703.760.7349

Mobile: 703.819.0485 | General Fax: 703.760.7777

[Biography](#) | [V-Card](#)

<mailto:rvacura@mofo.com> | www.mofo.com

From: McIlmail, Timothy (CIV) [<mailto:Timothy.McIlmail@usdoj.gov>]
Sent: Tuesday, April 29, 2014 11:25 AM

To: Christopher_McCall@ao.uscourts.gov
Cc: Vacura, Richard J.; Carey, Jason; Warnock, John B. (CIV)
Subject: RE: Space Exploration Technologies v. United States

I am available.

From: Christopher_McCall@ao.uscourts.gov [mailto:Christopher_McCall@ao.uscourts.gov]
Sent: Tuesday, April 29, 2014 11:21 AM
To: McIlmail, Timothy (CIV)
Cc: rvacura@mofo.com; Carey, Jason; Warnock, John B. (CIV)
Subject: RE: Space Exploration Technologies v. United States

Counsel,

Given the magnitude of this bid protest, Judge Braden would like to hold an **in-court** status conference (instead of a teleconference) **tomorrow, April 30, 2014 at 2:00 p.m. EST** at the United States court of Federal Claims. Please let me know immediately if you are available then. As soon as I receive confirmation, the Court will enter a Scheduling Order to that effect.

Chris

Chris McCall
Law Clerk to the Honorable Susan G. Braden
U.S. Court of Federal Claims
717 Madison Place, N.W.
Washington, D.C. 20005
Phone: 202-357-6518; Fax: 202-357-6522
christopher_mccall@ao.uscourts.gov

From: "McIlmail, Timothy (CIV)" <Timothy.McIlmail@usdoj.gov>
To: "Christopher_McCall@ao.uscourts.gov" <Christopher_McCall@ao.uscourts.gov>, "rvacura@mofo.com" <rvacura@mofo.com>, "Carey, Jason" <jcarey@mckennalong.com>,
Cc: "Warnock, John B. (CIV)" <John.B.Warnock@usdoj.gov>
Date: 04/29/2014 10:31 AM
Subject: RE: Space Exploration Technologies v. United States

I will be unavailable today between about 11:30am and 2:30pm, but my colleague Bryan Warnock can take a call during that time at 202-616-0475.

From: Christopher_McCall@ao.uscourts.gov [mailto:Christopher_McCall@ao.uscourts.gov]
Sent: Monday, April 28, 2014 6:13 PM
To: McIlmail, Timothy (CIV); rvacura@mofo.com
Subject: Space Exploration Technologies v. United States

Counsel,

Judge Braden has been assigned this bid protest. I will contact everyone tomorrow to set up a preliminary status conference. Judge Braden was wondering, however, whether there would be an intervenor in this case. Please advise.

Best,

Chris McCall
Law Clerk to the Honorable Susan G. Braden
U.S. Court of Federal Claims
717 Madison Place, N.W.
Washington, D.C. 20005
Phone: 202-357-6518; Fax: 202-357-6522
christopher_mccall@ao.uscourts.gov

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